

Summary
Water Pollution Control Board
Indiana Government Center North
Conference Room 1319, 13th Flr.
Indianapolis, Indiana
Wednesday, May 12, 2010

1. CALL TO ORDER

Chairman Gary Powdrill called the meeting to order at 1:30 p.m. A quorum was present.

Members present: Gary Powdrill (Chairman); David Wagner; Ken Hedge, Ted Alexander; Mark Legan; Pam Fisher (proxy for IEDC); Kari Evans (proxy for Robert E. Carter, IDNR); Molly Whitehead (substitute for Brandon Seitz, proxy for Lt. Governor, OED); and, Deborah Albright (Board Counsel).

Present for IDEM: Bruno Pigott, Assistant Commissioner, Office of Water Quality (OWQ); Martha Clark Mettler, Deputy Assistant Commissioner, OWQ; Bruce Palin, Assistant Commissioner, Office of Land Quality (OLQ); MaryLou Renshaw, Chief, Watershed Planning Branch, OWQ; and Andrew Pelloso, Chief, Water Quality Section, OWQ.

2. INTRODUCTION OF BOARD MEMBERS

Chairman Powdrill asked the board members to introduce themselves and their affiliations.

3. APPROVAL OF SUMMARIES

Chairman Powdrill called for approval of the December 9, 2009, February 10, 2010, and February 16, 2010, board meeting summaries. A motion was made and seconded to approve each separate meeting summary. The WPCB voted unanimously to approve the December 9, 2009, February 10, 2010, and February 16, 2010 summaries without changes.

4. REPORTS

The following topics:

- NPDES Permitting Backlog Report - Mr. Pigott brought attention to slight increases in the major industrial permits. He clarified that 12 of the backlogged permits had accumulated within this past year, unlike those backlogged permits that had built up over a series of years. He also noted that there were no new backlogged municipal permits.
- Antidegradation – Ms. Mettler gave an update on the antidegradation rulemaking. She stated that staff is working through developing responses to the 2nd notice comments. She anticipated that after summarizing the responses to comments, essentially rule language changes would be made.

5. RULE ACTIONS

Emergency Rules for Concentrated Animal Feeding Operations (CAFO)

Chairman Powdrill opened the board meeting for consideration of adoption of the CAFO emergency rules under IC 4-22-2-37.1. He noted that if the board adopts the emergency rule, it would become effective on May 24, 2010.

Mr. Bruce Palin, Assistant Commissioner, Office Land Quality, spoke for the agency. He explained that the agency is working to revise the confined feeding operation (CFO) rules in conjunction with drafting the CAFO NPDES rules within the same timeframe. He continued

saying that the plan is to have a revised draft ready by June to distribute to the interested parties for review before coming to the board for preliminary adoption. He stated that the current emergency rule was adopted in February 2010 and since there were no changes, it was before the board for its second readoption of a 90-day extension.

In addition, Ms. Nancy King clarified that those emergency rules would be the last of that version, and there would be another version of the emergency rule ready to come before the board by August.

Mr. Mark Legan expressed concerns about the lengthy process it is taking IDEM to develop the CAFO rule that would affect the agricultural community.

Mr. Palin responded to Mr. Legan by saying that EPA's overhaul of the CFO rules have further lengthened the process.

There was no board discussion.

Mr. Wagner made a motion to adopt the draft emergency rules. Mr. Mark Legan seconded it. With a roll call vote, the board voted unanimously to adopt the emergency rules as presented.

6. PRESENTATIONS

1. Mr. Pigott gave a PowerPoint presentation about the Combined Sewer Overflows/Use Attainability Analysis (CSO/UAA).
2. Ms. MaryLou Renshaw presented a chart to discuss the Total Maximum Daily Load (TMDL).
3. Mr. Pigott spoke on the Update of OWQ Priorities.

7. OPEN FORUM

There were two public commenters.

Mr. Michael Platt, Executive Director of Indiana Pork Producers Association, expressed disappointment with IDEM's emergency rule process.

Mr. Bowden Quinn, Conservation Program Coordinator, Sierra Club Hoosier Chapter, commented on the issues relating to the Sierra Club's petition for corrective action that was submitted to the Environmental Protection Agency in December.

8. ADJOURNMENT

The next meeting is tentatively scheduled for Wednesday, June 9, 2010, Indiana Government Center South, Conference Room B at 1:30 p.m., E.S.T.

Chairperson Powdrill adjourned the WPCB meeting at 3:20 p.m.

CHAIRPERSON

The summary is derived from Rules Development Branch staff notes; however, a court reporter recorded this meeting. A typewritten transcript of the entire meeting is on file in the Office of Legal Counsel, Indiana Department of Environmental Management. To view approved summaries or minutes, you may go online to <http://www.in.gov/idem/4707.htm>